

EXHIBIT B

STATE OF MICHIGAN
IN THE 42ND CIRCUIT COURT FOR THE COUNTY OF MIDLAND

HERON COVE ASSOCIATION, on behalf
of its members, and individually by its
members: JEFFERY DANA; JUDY
DANA; BRIAN ABRAHAM; JAYNA
ABRAHAM; DEBORA ADAMS;
MICHAEL ADAMS; SHANNON
ADAMS; JAMIE ADAMS; RIC ADER;
SALLY ADER; MICHAEL ADOLPH;
DARLENE ADOLPH; CLIFFORD
ALLEN; ANDREW ALLEN; PAUL
ALLEN; JAYNE ALLEN; PAMELA
ALLEN; JULIE ALLEN; CHRISTINE
ALLEN; LEONARD ALLEN; DAVID
ALTENBERNT; JACOB ALTENBERNT;
CONNIE ALTENBERNT; BRITTANY
ALTENBERNT; EDWARD
ARSENEAULT; AMY ARSENEAULT;
DICK ARTHUR; DOREEN ARTHUR;
DENNIS ATHEY; PATRICIA ATHEY;
BRAD AVER; KRISTY AVER; KURT
BAKER; SANDRA BAKER; CYNTHIA
BALHORN; JAQUELINE BALHORN;
JOSEPH BALHORN; JANA BARINGER;
RICHARD BARLOW; RAYMOND
BARTON; PAMELA BARTON;
DOUGLAS BASHUR; MELANIE
BASHUR; RAY BAUERS; MARIE
RISTE; SCOTT BAUMGART; ROBERT
BAZINET; MICHAEL BAZZLE; AMY
BAZZLE; ROBERT BEAUCHAMP;
DEBRA BEAUCHAMP; MARY BETH
BECHTEL; CAROLINE GOICK;
MICHAEL BECKHAM; KEN
BELLHORN; GEORGE BENCI; JOHN
BENCI; SHARON BENCI; ROBERT
BENNETT; TAMMY BENNETT;
GILBERT BERNIER; JACQUELINE
BERNINGER; ALYSIA BERTHIAUME;
LINDA BEVERIN; SUSAN E. BEYER;
GARY BISHOP; KRYSTAL BISHOP;
JASON BISKNER; STACEY BISKNER;
JUDY BOMAN; GARY BOOTH; HOLLY

Case No. 24-2751-AA

BOOTH; RONALD BOWMAN; CLARA BOWMAN; STACI BOYNTON; ELAINE BRANCHEAU; SHAWN BRANCHAEU; KATHLEEN BREWIS; CARY BREWIS; SCOTT BRICHACEK; RACHELE BRICHACEK; JIM BRINK; AMY BRINK; AJ BROCK; CYNTHIA BROCK; JAMES BROSIER; PAULA BROSIER; DAVID BROWN; FRED BRYAN; LISA KINSEY; FRED KINSEY; HALINA BULAT; JOZEF BULAT; ROBERT BUNKER; JANICE BUNKER; JACK BURNIAC, JR.; ANDREW BYCE; KAREN BYCE; JIMMY CAIN; CATHY CAIN; PAT CALAHAN; JENNIFER CALAHAN; JAMES CALDWELL; PATRICIA CALDWELL; RENEE CALHOUN; MICHAEL CAMPBELL; MELANIE CAMPBELL; ROBERT CAPELING; JENNIFER CAPELING; WAYNE CASKEY; JOSETTA CASKEY; JANIS A.E. COLTON; TIMOTHY COOK; NICHOLAS COON; ANN COON; ROBERT COWGILL; RICHARD COX; CAROLYN COX; ROBERT CUBBA; RITA CUBBA; KEITH DANIELS; PATRICIA DANIELS; DONNA DAVIS; BRADLY DAVIS; LOU ANN DAVIS; STACY DAVIS; GENE DAVIS; KIM DAVIS; JO ELLEN DE VUYST; KENDALL DE VUYST; KRISTINA DELISLE; KEVIN DELISLE; GARY DELONG; BELINDA DELONG; DAWN DENMARK; ROD DENMARK; BRADLEY DENNINGTON; DAVID DINSMORE; PAMELA DINSMORE; TERRIL DISCH; TERRY DONAKOWSKI; CHERYL DONAKOWSKI; RICHARD DOWNING; SUSAN DOWNING; LEANNA DOYLE; NICK DRYE; TIFFANY DRYE; TERESA DUFRESNE; MICHAEL DUNCAN; SCOTT DUNCANSON; CAREY DUNCANSON; JOHN DURANCZYK; THOMAS DWYER; STEPHANIE DWYER; DAVID EBENDICK; ROBIN

EBENDICK; DAN EICKHOFF; JULIE
EICKHOFF; KARI W. FARLING; BETH
MANSFIELD; MICHELLE
FARRINGTON; JOHN KAPRAL;
BOBERT FAVREALL; CHARLES
FEGREUS; PATRICK FELD; ROBERT J.
FERGUSON; SHARON FERGUSON;
REBECCA FIELD; JESSICA FINNERTY;
LUANN FOLLETT; KEITH FOREN;
CHARLOTTE FOSGARD; WALTRAUD
FUSCO; MARK GAHRY; CARL
GARBACIK; KAREN GAWRON; JAMES
GEROMETTEE; GIOVAINA
GEROMETTEE; THADDEUS
GIERALTOWSKI; MARY ANN
GIERALTOWSKI; JEFFERY GIGNAC;
BARBARA GIGNAC; JILL GLINSKI;
JEROME GLINSKI; GARY GNYP;
MARY GNYP; EILEEN
GOLDSWORTHY; CURTIS GOLL;
MARTHA GOLL; JILL R. GOODEMOOT;
TIMOTHY GORDERT; GERARD
GOWAN; MICHAEL GREEN; JEFF
GRONAU; DONNA GRONAU; DOUG
GROSSMAN; CONNIE GROVE; RON
GUSTINE; LISA GUSTINE; JANET
HABERLAND; JAMES HANKERD;
KIMBERLY HANKERD; JEREMIE
HANNA; DANIELLE HANNA;
MICHELE HARDY; HARRY
HARTFIELD; KENNETH HARVILLE;
JOSHUA HARVILLE; JESSICA
MINARD; JAMES HAWLEY; KIM
HAWLEY; LORRAINE HEDRICH;
BRIANT HEISER; KEVIN HENNESSY;
SANDRA HENNESSY; JUDY GERRIE
HERNANDEZ; GAIL POST-HEROLD;
JOHN HIGHFIELD; JENNIFER
HIGHFIELD; DAVID HILDEN; SALLY
HILDEN; GEORGE HILLIARD; LORI
HILLIARD; CHARLES HILLIKER; RUSS
HIUMENIAK; JENNIFER HIUMENIAK;
JAY HOCKING; SUSAN HOCKING;
MARIANN HODGE; GARY HOMMEL;
MARY JO HOMMEL; MICHAEL
HOPKINS; CHARLENE HOPKINS;

JONATHAN HOZESKA; CARRIE
HOZESKA; MICHAEL HUBER; CARRIE
HUCKINS; GORDON HUCKINS;
BEHZAD HUSSEINZADEH; PAMELA
HUSSEINZADEH; DANIEL IGNACE;
DANA IGNACE; DAN INMAN;
BEVERLY INMAN; CHARLES
IRELAND; GERI IRELAND; JOHN
JAKUBIEC; DENNIS JOHNSON;
ROGER JOHNSON; KIM JOHNSON;
SONG CHA KANG; KAL KAUFMANN;
GINA KAUFMANN; RICHARD
KEDZIOREK; DIANE KEDZIOREK;
ALBERT KEEN; CYNTHIA KEHOE;
MELISSA KELLER; JOE KELLOGG;
STACIE KELLOGG; IRENE KENNEDY;
KVL A KENNETH; KATHLEEN
KENWORTHY; DAVID KINGSBURY;
RITA KINGSBURY; DANIEL KINNER;
CHERYL KINNER; RONALD KLINE;
MICHELLE KLINE; JAMES KNIEPER;
MICHAEL KOLANOWSKI; VICKY
KOLANOWSKI; JASON KOZAK; KATIE
KOZAK; KEVIN KRAFT; DONA
KRAFT; GEORGE KRATZ; KRATZ CO.
LLC, RAYMOND KRUEGER; JOSEPH
KRUEGER; SYLVESTER KIM; RODNEY
KRUGER; SHARON KRUGER;
THERESA KRY; LYLE SHIFFER;
PATRICK KUCHER; MONICA KUCHER;
KATIE GRUND; BRANDON GRUND;
DEREK KUNDINGER; ANGELA
KUNDINGER; ARTHUR KUPIEC;
LOUISE KUPIEC; MICHELL LAFOND;
ROBERT LAGRAFF; BRENDA
LAGRAFF; JOHN LANG; BETHANY
LANG; RICHARD LAPOINTE;
CHRISTINE LAPOINTE; ALAN
LARSON; ANDREA LARSON; ED
LASKE; COLLEEN LASKE; MICHAEL
LATHROP; MARTIN LATHROP;
CRYSTAL LATHROP; TYLER
LATHROP; CHRISTAL LATHROP;
SHARON LEACH; EDWARD LEACH;
ED LEE; KIMBERLY LEE; LARRY
LESTER; GERALD LICQUIA; KAREN

LICQUIA; WILLIAM LINDBERG;
MARK LINDENMUTH; PERRI
LINDENMUTH; CATHERINE LOVE;
DAVE LOVEJOY; RITA LOVEJOY;
BRUCE LOVELACE; KAREN
LOVELACE; DAVID LULEWICZ;
SHERYL LULEWICZ; KRISS LYONS;
KIM LYONS; RANDALL MAGEE;
CAROL MAGEE; STEVEN MAKOWSKI;
JANINE MAKOWSKI; MARY
MALONEY; TERRY MARICK; KEVIN
MARICK; BRENT MARKO; DAVID
MARR; DENZEL MARTIN; SHARON
MARTIN; ALVIN MATICH; BRIAN
MATTHIAS; CINDY MATTHIAS;
TIMOTHY MCATEER; PATRICIA
MCATEER; MELISSA MCATEER;
JAMES MCATEER; DENNIS MCBRIDE;
PATRICIA MCBRIDE; WILLIAM
MCCRANDALL; MARETTA
MCCRANDALL; FLOYD MCDONALD;
JOYCE MCDONALD; RANDY
MCDONALD; RENEE MCDONALD;
CAROL MCDONALD; KRISTINA
MCDONALD; SHELLY MCEOWN; MAC
MCKELLAR; CHRISTOPHER MILLER;
DARRELL MONDAY; TAMELA
MONDAY; KEVIN MOORE; JAMES
MORSE; CONNIE MORZINSKI;
RANDALL MORZINSKI; DANIEL
MOTT; KAREN MOTT; BETTY
MULLIN; EDWARD MULLIN;
TIMOTHY MURPHY; KRAIG OLIVER;
KAREN MYERS; GREG NELSON;
ANNETTE NELSON; JARED NICKEL;
HUNTER NORRIS; NICHOLAS
JERMAN; YVETTE OARD; DANNY
OKONIEWSKI; JAMES OLSON; JANET
OLSON; KAREN OLSON; ALFRED C.
OLSON III; DEBRA OLSON; ERIKA
OSTASZEWSKI; AARON
OSTASZEWSKI; CHARLES BARNES;
JEFF OTTO; MARY OTTO; DANIEL
OUILLETTE; LISA OUILLETTE; DONALD
PALMATEER; BENNETT PALMATEER;
HAZEL PARSONS; DAVID PARTRIDGE;

CINDY PARTRIDGE; BRYCE PAULSEN;
JOSEPH PEELISH; KELLIE PEELISH;
MATT PEER; TERI PEER; NANCY PEIL;
CHRISTINE PELLAR; DONALD
GUNTHER; NORMA GUNTHER;
MATTHEW PENNEY; NACEY PENNEY;
ANDREW PETERS; DOUGLAS
PETERSON; CHRISTINE PETERSON;
SCOTT PETHERS; MARK
PFENNINGER; PAMELA PHILLIPS;
LAWRENCE PHILLIPS; ROCHELLE
PHILLIPS; EDWARD PINKSTON;
JEFFERY PITTS; JUDIA PITTS; BRUCE
PLOWMAN; LISA PLOWMAN; DARIN
POPE; RICKY PORTER; JAN PORTER;
DANNY POYNER; JANEEN POYNER;
HOLLI POYNER; KAREN RADCLIFFE;
PATRICIA RADCLIFFE; KEVIN RAMM;
BRADLEY RAUSCH; LORRAINE
RAYMOND; DEAN A. READER;
TAMRA L. READER; READER FAMILY
TRUST; AMY REGINEK; TIMOTHY
REILLY; DIANA REILLY; CRAIG REIS;
KIMBERLY REIS; JEANNE RESKE;
DAVID RETAN; AMY RETAN; DOUG
REX; LORI REX; KATHLEEN
RHYNARD; LATASHA RHYNARD;
LAWRENCE RICE; PETRENIA RICE;
CHARLOTTE RILEY; ROBERT
UMPHREY; ADAMS RIVAS; WILLIAM
ROBINSON; REBECCA ROBINSON;
JAMES ROGERS; RANDALL ROGNIER;
PATRICIA ROGNIER; CARL ROLL;
COLETE BECOLE; ASHLEY ROSE;
CAREN ROSE; CHRIS ROSE; NEIL
ROSS; TINA ROSSI; DANIEL
WOZNIAC; CYNTHIA ROWLEY; GREG
RUPPEL; CHRISTY RUPPEL; DAVID
RYMAS; AMY RYMAS; REZA
SAFFARIAN; CHERYL SAFFARIAN;
WILLIAM SAROS; LAURA SAROS;
JOHN SAXON; JEFFERY SCHAFFER;
RONALD SCHMIDT; PAMELA
SCHMIDT; GREGORY SCHOWALTER;
TAMARA SCHOWALTER; GARY
SCHULZ; KRISTEN SCHULZ; FRANK

SCHUMACHER; JUNE SCHUTT; TIM
SEAGRAVES; KATHY SEAGRAVES;
ENDRE SEFCSIK; ROBERT
SEIBERLING; JAMES SEIGLA; CAROL
SEIGLA; LARRY SERRELL; BARBARA
SERRELL; MARLENE SHEBESTER;
ARCHIE SHEBESTER; KEFF SIELOFF;
KIMBERLY SIELOFF; WENDI
SIGOURNEY; DAVID SILEO;
DEBORAH SILEO; ROBERT SIMS;
TRACY SIMS; DAWN SISK; RONALD
SIZELAND; SUSAN SIZELAND;
TRAVIS SMITH; RONALD SMITH;
GEORGE SMITH; RONDA SMITH;
EDWARD SOWA; DINA
FRANCESCUTTI; MONIKA
SPALLINGER; JAMES SPARBECK;
JEFFREY SPARBECK; EDWIN
SPECKHAEDT; ANTHONY STAHL;
DAVID STAHL; NORA STAHL; DEAN
STALDER; ANDREW STEPHENSON;
MARIE STOCK; MICHAEL STOCKER;
DENVER STOCKER; LARRY
STOINSKI; RUTH STOINSKI; WAYNE
STOVER; LINDA STOVER; JAMES
STRADTNER; KELLY STRADTNER;
RONALD STREETER; SANDRA
STREETER; CHRISTINE STUMPO;
JOSEPH STUMPO; TODD SULLIVAN;
RACHEL SUNDE; DEBARAH
SUWINSKI; LAWRENCE SUWINSKI;
JOHN SYDENSTRICKER; THERESA
SYDENSTRICKER; STEVEN TAYLOR;
LORETTA TAYLOR; DAVID
THIBODEAU; LINDA THIBODEAU;
DAVE THOMAS; JAMES THOMAS;
MARK THOMAS; VICKI THOMAS;
LOWELL THOMAS; BRIAN
THOMPSON; CARMAN THOMPSON;
THOMAS THOMSON; KELLY
THOMSON; THOMAS J. THOMPSON;
LINDA C. THOMSON; JANICE
TORREY; GARY TRELFA; DIANE
TRELFA; SCOTT TRINKLEIN; DOUG
KRUGER; LENORE TROIA; CYNTHIA
ABBS; DAVID TROMBLEY; GORDON

TROYANEK; TRAVIS TWITCHELL;
BEATRICE TYREE; DAVID VALICE;
LINDA VALICE; JAMES VAN HORN;
DEBORAH VAN HORN; MARKO
VANCE; MARYANN VANCE; WILLIAM
VASICEK; MICHAEL L. VERELLEN;
COURTNEY VERELLEN; MARY ELLEN
VERELLEN; JAMES VOGT; SUSAN
VOGT; KRISTIN WAGNER; RYAN
BENJAMIN WAHL; JOSHUA
WALLACE; ANDREA WALLACE;
MICHAEL WALRATH; MICHAEL
WARNER; KELLY WARNER; THOMAS
WARSHEFSKY; RON WASCHER; MARY
WASCHER; JAMES WAZNY; PAMELA
WEIRMIER; GENE WEST; WANDA
WEST; KEVIN WESTLAKE; SARAH
WESTLAKE; DOUGLAS WHEATLEY;
LINDA WHITE; NORMAN WIESKE;
REVA WILLIAMS; SAMANTHA
WILLIAMS; TIMOTHY WILLIAMS;
ANGELA WILLIAMS; JEFFERY
WILLIAMS; EARL WILSON; RICHARD
WING; THERESA WING; BARB WIRTZ;
GEORGE WISKUP; LEROY WOODS;
GLENDA WOODS; RALPH
WYRYBKOWSKI; DARLENE
WYRYBKOWSKI; KENNETH YEAGER;
CATHRYN YEAGER; JAMES YOUNG;
TRACY ZWICK YOUNG; STEVEN
ZASTROW; LORI ZASTROW;
MAURICE L. ZEMPLICKA; ELIZABETH
C. MORSE; MICHAEL ZREPSKEY;
PATRICE ZREPSKEY; ORLANDO
ZUNIGA; MARGARET ZUNIGA;
ALBERT VARDUKYAN; TED YANKO;
KIM KEELEY; DAVID TAYLOR;
VERNON VERKENNES; SHERYL
WALDING; ROBERT PRICE; KAREN
PRICE; THOMAS ROGERS; MELESSA
MANNINO; ALLAN LEONARD; JOHN
KRETZSCHMAR; CRYSTAL
MCMAHAN; LISA MORRISON; PETER
SARACINO; COLLEEN TAYLOR; RUTH
ANN BAZZANI; LYNN MARIE RAU;
EDWARD RAU; HARRY WAGNER;

MELISSA FRANKEL-WAGNER; JAY RICKERT; KRISTINE K. RICKERT; TERRY YORK; DENISE YORK; CASMIER ZOMERFELD; ANDREA ZOMERFELD; SHERRY DICK; MARTHA DICK; NOLAN HARVEY, II; DIANE HAMMOND; JESSICA FESING; NATHAN FESING; MICHAEL RYBAK; CHRISTINE RYBAK; MICHAEL MIKOLAJEWSKI; GARY HORNE; ROBERT GRADOWSKI; NICOLE MIKOLAJEWSKI; DIANE HORNE; JULIE GRADOWSKI; HAROLD MERTZ, JR.; DIANA MERTZ; ALBERT; ANGEL HARRISON; ROBERT YAGER KELLAN; DANIEL KELLAN; PAUL LAY; DENNIS KLOTT; AARON JOHNSTON; SHANDA JOHNSTON; DENNIS LYONS; SANDY LAY; DEBORAH KLOTT; VICKI LYONS; JACQUELINE BALHORN; GAIL BARRON; RHONDA GOODWIN; ART GOODWIN; MATTHEW FINNERTY; SCOTT HOUSER; THOMAS JONES; JENNIFER LINTS; MARY KENNEDY; JEFFREY KLINE, SR.; KENNETH KULA; KELLY MCGRATH; DONNA KULA; DUANE BARRON; TRAVIS BARRON; DOUGLAS C. PETERSON; CHRISTINE M. PETERSON; MICHAEL SANDER; JOANN SANDER; JULIE MILLS; DEIDRE DONALD; HENRY DONALD; CHARLES AGUIRRE; LAURIE AGUIRRE; TIMOTHY ALVESTEFFER; BILL BACON; LINDA L. BEDELL; JAMES L. BEDDELL; KIMBERLY BORCHARD; TIMOTHY DANA; TOM BOWLAND; TERRY BUSHRE; DIAWA BUSHRE; GAYLORD CHENEY; SHARON CHENEY; DAVE CIANEK; TRACY COATES; BRETT COTTON; BOBBIE CRAWFORD; SUSAN CURRY; CLEMENT CURRY; KENNETH DENMARK; ROXANNE FETTIG; ANDREW GIEDROCZ; RUTH GIEDROCZ; SYLVIA GILVIDIS;

LELAND GORMLEY; KENNETH
HOWDEN; MICHAEL JERRY; KATHY
JERRY; PATRICIA JEWETT; GORDON
JEWETT; KARL KACEL; NEHIL
KEELEY; LEONA KOZLOWSKI;
RICHARD LABRENZ; VIRGINIA
LOOSE; DOUGLAS LOOSE; DARIN
LUNSFORD; FREDERICK LYONS;
NANCY LYONS; ROBERT MAXWELL;
PENNY MAXWELL; DARLENE
MCDADE; JAMES MCDADE; ROBERT
MCMANUS; MICHELLE MCMANUS;
BRIAN MILLER; TERRY MILLER;
DAWN MILLER; DAVID NOPPE;
NADINE NOPPE; WAYNE O'DELL;
WALDEMAR PAETZ; SANDRA PAETZ;
MARSHA DELISO; PETER DELISO;
IRVIN POTTS; ROSEMARIE POTTS;
JEFFREY POTTS; JUDITH POTTS;
TERRY RAMIREZ; CHERYL RAMIREZ;
JACOB ROESE; JENNIFER SALISBURY;
MELISSA SCHAFER; GREGORY
SCHARBONEAU; MARY ANN
SCHARBONEAU; MARK SCHNEIDER;
KEITH SHATTUCK; KATHLEEN
SHATTUCK; GARLAND SNEED; LILA
SNEED; JIM SPERLING; MARGE
SPERLING; DENNIS STANKEWICZ;
MERRILEE STANKEWICZ; BRUCE
THIBODEAU; TONI THIBODEAU;
ARLENE THORP; JAMES TROMMER;
REBECCA TROMMER; MARY TURVEY;
MATTHEW WENDLING; LORI
WENDLING; STEPHEN WYZYWANY;
KAREN WYZYWANY; JOSEPH
ZAWISLAK; BONNIE ZAWISLAK;
MICHELLE ZEMLIKAK; SHARON
MAXWELL; JOHN PESSINA; PHYLLIS
BOMAN; LINDA BOMAN; CAROL
KUBINSKI; LISA DIESBOURG; LEYNA
WERNER; DENNIS WERNER;
MICHAEL BACHER; MELINDA
BACHER; JOHN BOOS; MARY BOOS;
SUSAN BURTCH; ROBIN BUSECK;
RICHARD CASTRO; PATRICIA
DEGASPERIS; PAUL DEGASPERIS;

DIANA L. COLE TRUST; KAY
DURANCZYK; TONY DURANCZYK;
SHARON GILLETTE; ANDREW
STEPHENSON; RICHARD
GRZEGORCZYK; LEZLEY
GRZEGORCZYK; NICHOLAS HOLLY;
DEENA HOLLY; D. JOAN JOHNS;
DIANE KOSHT; WILLIAM LAI;
MARINA LAI; HENRY LEICH; CHERYL
LEICH; ANDREA LEWIS; ANDREA
LOPEZ; MARILYN MEYLAN TRUST;
DALE MYERS; ROBERT NIENHAUS;
SHERYL NIENHAUS; CAROL
OUELLETTE; NANCY PIETZ;
RICHARD & DONNA LABRENZ
TRUST; KELLY RUSSELL; VIRGINIA
RUSSELL; ROSEMARY SAVAGE;
KENNETH SAVAGE; KENNETH SESTO;
DENISE SESTO; CATHERINE SESTO;
JAMES SESTO; TORY SHOWEK; LISA
SHOWEK; JOHN TRACY; LORRAINE
TRACY; LOST ARROW RESORT;
TITTABAWASEE RESORT LLC;
MICHELYNNE ADDINGTON;
CHARLES ADDINGTON; MARJORIE
ALLMAN; ROGER ANTEAU; WENDY
ANTEAU; JERRY ATKINSON;
THERESA ATKINSON; BRAD AUER;
KRISTY AUER; JENNIFER AUTY;
TERRIE BABBITT; MICHAEL G.
BARTLETT; MICHAEL BERGER;
ASHLEY BERGER; SCOTT BIGELOW;
BRIAN BRADEN; SARAH BRADEN;
LAWRENCE BRADY; CAROL BRADY;
DANIEL BRODAK; LOREN BRUNGER;
GLENDA BRUNGER; DAVID
CANNING; HELEN CANNING; BRUCE
CARTER; SHERRY CARTER; KAREN
CENTOFANTI; MICHAEL CHRISS;
SHARON CHRISS; SHERYL
DENMARK; DANIEL DIONNE; DAWN
DIONNE; CHRISTINE DOUGLASS;
DONALD DRAYTON; WENDY FABER;
ROBERT FABER; ROBERT KELEY;
GEORGE FERGUSON; LYNDA
FERGUSON; VELMA GERMAIN;

MICHAEL GRIFFIN; SUSAN
GRITZINGER; ANTHONY GROHMAN;
JAMES HARDY; TONYA HARDY;
BONNIE HARGRAVES; LORRAINE
HEDRICK; LESLIE HESS; BRENDA L.
HILLIKER; WILLIAM HOGREBE;
PATRICIA HOGREBE; ALLAN INNES;
JEFFREY KALETO; RYAN KALETO;
ROBERT KELLEY; JOSEPH KELLOGG;
JEFF KINNE; SANDY KINNE; ANDREW
KRIEGER; FRANK LEVENICK;
MICHELLE LEVENICK; TIMOTHY
LONG; ROXANNE LONG; ASHLEY
LOTHIAN; BRAD LYON; KIM LYON;
DERALD MARSH; KITTY MASCARO;
WILLIAM MASCARO, JR.; JOHN
MCCANN; MARY MCCANN; GERARD
MCGOWAN; ARICKA MEALBACK;
MICHAEL MERCIER; TARAH
MERCIER; LYNDA MIESKE; RICHARD
MILLER; JUDY MILLER; CARLTON
MILLS; JANICE MILLS; ALEXANDRA
MURPHY; MICHAEL MURPHY; DAVID
J. MURRAY; FREDRICK MURRAY;
ROSEMARIE MURRAY; ROBERT
NEIENDAM; JENNIFER NEIENDAM;
WAYNE ODELL; DANIEL OUILLETTE;
LISA OUILLETTE; GEORGE
PATTERSON; TAMMY PATTERSON;
DUANE LEE PAUL; ANTHONY A.
PAVONE; MATTHEW PENNY; NANCY
PENNY; NICHOLAS PHILLIPS;
KARENA PHILLIPS; DARIN POLE;
SANDRA PRIEMER; DENNIS
RADCLIFFE; MARK L. RAMER; DAVID
RANDALL; TONY REEDY; MAUREEN
REEDY; RANDAL REGNIER; PATRICIA
REGNIER; PETRINA RICE; DANIEL
RITTER; ETOILE RITTER; CYNTHIA
ROBINSON; CASEY ROSS; STEPHANIE
SABIN; LARRY SCHMIDT; SHARON
SCHMIDT; ROBERT SCHOOLEY; ANNE
SCHOOLEY; PAUL SHERYL; JOHN
SMILNAK; LAURIE SMITH; EDWIN
SPECKHARDT; MONICA
SPECKHARDT; PATRICIA SPENCER;

MARK SULLIVAN; LATASHA
SULLIVAN; NANCY THORP; CHAD
TOMS; JULIE ANN VAN AMEYDE;
ROBERT WOODRUFF; CINDY
WOODRUFF; STEVE WORPELL; TERRI
WORPELL; JEFFREY ZAPORSKI; JOAN
ZAPORSKI; WHITE FAMILY TRUST;
LOST ARROW RESORT; PRESTON L.
MARSH TRUST; GARY L. MEYLAN
TRUST; TOMS FAMILY TRUST; ESTATE
OF MARK AUTY; LANCE HUGHES; and
JOYCE SCHOFIELD, DONALD
KEARNS; DIANE KEARNS; JEFFREY
FLETCHER; RICHARD GREGOR;
ANGELA GREGOR; JERRY ATKENSON;
THERESA ATKENSON; RICHARD
KOVALCIK; SUSAN MONROE;
GEORGE E. MONROE; ANDREW
KRIEGER

Appellants,

Hon. Judge Stephen P. Carras

v.

MIDLAND COUNTY BOARD OF
COMMISSIONERS, and GLADWIN
COUNTY BOARD OF
COMMISSIONERS, and FOUR LAKES
TASK FORCE

Appellees.

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AMENDED CLAIM OF APPEAL

Appellants, Heron Cove Association, on behalf of its above-named members, and by its above-named individual members, through their counsel, FOSTER, SWIFT, COLLINS & SMITH, P.C., state as follows, pursuant to MCR 7.123:

1. Appellants claim an appeal from the decisions on February 6, 2024 by the Midland County Board of Commissioners and Gladwin County Board of Commissioners (the “Counties”) to each approve a “Resolution Approving Four Lakes Special Assessment District 5-Year Operation and Maintenance Project Cost and Operation and Maintenance Assessment Roll, and Capital Improvement Project Cost Special Assessment Roll.” The resolutions are attached as **Exhibit A**.

2. In 2019, under Part 307 of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended, MCL 307.30701 *et seq.*, the Counties by resolution appointed the Four Lakes Task Force (“FLTF”) as their delegated authority to cause to be determined the normal lake levels for Wixom Lake, Sanford Lake, Smallwood Lake, and Secord Lake (collectively, the “Lakes”), and to establish the Four Lakes Special Assessment District.

3. The Counties then jointly filed petitions to determine normal lake levels and to establish the Four Lakes Special Assessment District in Midland County Circuit Court and Gladwin County Circuit Court.

4. On May 28, 2019, the Honorable Stephen P. Carras entered an order in Midland County Circuit Court setting normal lake levels for the Lakes and establishing the boundaries of the Four Lakes Special Assessment District. On July 18, 2019 (following an order from the Supreme Court Administrative Office appointing him to that court), Judge Carras entered that order in Gladwin County Circuit Court.

5. Under MCL 324.3014(3), a county “shall approve the cost and the special assessment roll by resolution” “[b]efore construction of a project is begun.”

6. Upon information and belief, construction on the improvements began before the Counties confirmed the special assessment rolls.

7. On February 6, 2024, the Counties approved a 5-year operation and maintenance assessment roll and a 40-year capital assessment roll.

8. Under MCL 324.30714(4), “the special assessment roll with the assessments listed shall be final and conclusive unless appealed in a court within 15 days after county board approval.”

9. Part 307 defines “court” as “a circuit court, and if more than 1 judicial circuit is involved, the circuit court designated by the county board or otherwise authorized by to preside over an action.” MCL 324.30701(c).

10. On January 23, 2024, the Gladwin County Board of Commissioners adopted a resolution “To Designate Venue/Court For Appeals of Four Lakes Task Force Special Assessment Matters, Pursuant to Statute,” which designated venue and conferred jurisdiction upon the Midland County Circuit Court “for all matters relative to the Four Lakes Task Force, and/or special assessments for it as Gladwin County’s Delegated Authority,” attached as **Exhibit B**.

11. The Michigan Court of Appeals has held that appeals from the apportionment of a special assessment under the Inland Lake Level Act are properly heard in circuit court. *In re Project Cost and Special Assessment Roll for Chappel Dam*, 282 Mich App 142, 145; 762 NW2d 192 (2009).

12. Appellant Heron Cove Association is a Michigan nonprofit corporation organized “[t]o promote the general welfare of its members, owners of any property along or near Secord,

Smallwood, Wixom, and Sanford Lakes, including backlot properties with dedicated access. . . ., or any property in or touching the Four Lakes Special Assessment District in or around Gladwin and Midland Counties, Michigan.” It is comprised of property owners and those with property interests within the Four Lakes Special Assessment District or adjacent to it. Individual appellants are members of the Heron Cove Association who own or have interest in property within the Four Lakes Special Assessment District. Each appellant has standing to claim this appeal, and proceeding in one appeal is the most expeditious use of judicial resources. The members appealing and their addresses and Parcel IDs are listed in **Exhibit C**.

13. Appellants appeal the Counties’ levying and apportionment of the special assessment rolls on the following grounds and as further detailed below:

- a. The Counties’ decisions were not authorized to law.
- b. The Counties’ decisions were not supported by competent, material, and substantial evidence on the whole record.

14. The Counties began construction on the improvement before they approved the cost and the special assessment roll by resolution.

- a. The Counties’ decisions were not authorized by law.

15. Appellants’ properties derive little to no special benefit or gain in market value from the assessment beyond that provided to the community as a whole. *Kadzban v City of Grandville*, 442 Mich 495 (1993).

- a. The Counties’ decisions were not authorized by law.
- b. The Counties’ decisions were not supported by competent, material, and substantial evidence on the whole record.

16. The amount of the assessment imposed on Appellants' properties is grossly disproportionate to the increase in market value to the properties and constitutes a taking of property without due process of law, *Dixon Road Group v City of Novi*, 426 Mich 390 (1986), and an unconstitutional taking of property without just compensation.

- a. The Counties' decisions were not authorized by law.
- b. The Counties' decisions were not supported by competent, material, and substantial evidence on the whole record.

17. Appellants request the following relief:

- a. That this court vacate the special assessment rolls.
- b. That this court order a reapportionment of the special assessment roll so that the assessments are proportional to the increase in market value derived from the improvement.
- c. Any other relief the Court finds just and equitable.

18. No bond is required by this appeal.

Respectfully Submitted,

FOSTER, SWIFT, COLLINS & SMITH, P.C.

Dated: February 21, 2023

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